

REMARKS**Summary of the Office Action**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al. (U.S. Publication No. 2001/0005442) (hereinafter “Ueda”) in view of Ahmad et al. (U.S. Patent No. 6,880,171) (hereinafter “Ahmad”) and further in view of Ouzts et al. (U.S. 2003/0076322) (hereinafter “Ouzts”).

Summary of the Response to the Office Action

This rejection is respectfully traversed for at least the reasons discussed below. Claims 1-10 remain pending for consideration.

Rejection under 35 U.S.C. § 103(a)

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Ahmad and further in view of Ouzts. This rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that in the claimed embodiments of the present invention, “the logical recording format comprises a flag that indicates whether an image included in the recorded AV information (i.e., contents) or an image which is not included in the recorded AV information (for example, an image from an external file) should be used as a thumbnail” (For example, refer to the initial-version English specification, page 23, line 23 – page 24, line 5 (concerning the thumbnail image specifier effective flag VDL); and page 38, line 23 – page 39, line 18.). Also in the claimed embodiments, “a controlling device is adapted to determine

whether the image selected by the first selecting device or the image selected by the second selecting device should be specified as the thumbnail image,” and “the flag is set by the recording device (process) in accordance with the determination of the determination device (process).” Thus, the advantages described, for example, on page 3, lines 15-27 of the specification can be obtained. That is, the thumbnail image can be arbitrarily specified, whereby a user can clearly recognize the contents of the recorded AV information recorded on the recording medium during reproduction of images to be carried out as one aspect of editing work.

Applicants respectfully submit, however, that Ueda fails to teach or suggest the use of the flag. This flag is shown in the embodiments of the present invention by “a flag that indicates whether an image included in the recorded AV information (i.e., contents) or an image which is not included in the recorded AV information (for example, an image from an external file) should be used as a thumbnail.” Hence, as a matter of course, Ueda does not teach or suggest the use of the combination of the flag, the controlling device (or determination process), and the recording device (process). Rather, Ueda provides a scheme to determine a moving image (motion picture) that corresponds to a still image in which information only indicative of a position of a moving picture corresponding to the still image is recorded on a recording medium (see paragraph 0050 of Ueda). In this regard, the Examiner admits that Ueda fails to show the use of a flag as in the claimed embodiments.

Applicants respectfully submit that Ahmad also fail or suggest the use of a flag as in the claimed embodiments. Rather, column 18, lines 57-76 of Ahmad describe the use of a thumbnail of video data. That is, a video frame or a frame other than the video data (for example, a frame chosen from video libraries) is used as the thumbnail of video data. Applicants respectfully

submit, however, that Ahmad fails to clearly define the video libraries. In addition, Applicants respectfully submit that Ahmad is completely silent about the utilization of a flag as in the claimed embodiments.

Applicants further submit that the newly cited reference, Ouzts, discloses a technique for displaying image files as thumbnails on the OS screen using a GUI. In the final Office Action, the Examiner contends that it is a general computer technique to use flags in order to select and specify different objects. In consideration of this general knowledge, the Examiner additionally stated that one of such examples is the "GetLocation" technique disclosed in Ouzts, and the GetLocation technique is able to specify flags indicating how images are displayed (citing paragraph 0045 of Ouzts). Then, the Examiner concluded that, when taking the GetLocation technique into account, the feature of the embodiments of the present invention pertaining to "a flag that indicates whether an image included in the recorded AV information (i.e., contents) or an image which is not included in the recorded AV information (for example, an image from an external file) should be used as a thumbnail," is obvious.

Applicants respectfully submit, however, that it is not appropriate to rely on Ouzts as a reference against the embodiments of present invention in this regard, because there is no clear disclosure in Ouzts of the GetLocation technique. Applicants respectfully submit that only paragraph 0044 of Ouzts describes that cache information is used to display thumbnail images. Moreover, Applicants respectfully submit that even if Ouzts does describe the use of cache information, this technique is totally different from the technique of using the flag according to the embodiments of the present invention.

In addition, Applicants submit that Ouzts fails to disclose that the flag uniquely used in the combination of the first and second selecting devices, controlling devices, and recording devices as in the embodiments of the present invention. In Ouzts, images displayed as thumbnails are always the same regardless of whether or not cache information is used. The use of the cache information simply results in an image (item) whether or not the image is cached. If the image is not being cached, a thumbnail is simply generated from the image (item), as described in paragraph 0044 of Ouzts. However, Applicants submit that in contrast, the embodiments of the present invention adopt “a flag that indicates whether an image included in the recorded AV information or an image which is not included in the recorded AV information” is used as a thumbnail, so that, depending on the values of the flag, the sources from which thumbnail images come are different from each other (e.g., images from the contents, or images from outside the contents).

Hence, Applicants submit that at least because there is no teaching or suggestion of the use of the flag in Ueda, Ahmad, and Ouzts, the claimed embodiments of the present invention are distinguishable from the teachings of these references. Applicants therefore respectfully submit that one skilled in the art would not have found it obvious or possible to have combined the teachings of Ueda, Ahmad, and Ouzts to have achieved the claimed embodiments of the present invention. Accordingly, all claims should be allowable.

CONCLUSION

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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